IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6551 OF 2003

Pandurang Laxman Bhoir & Ors. ..Petitioners.

Versus

Gangubai Waman Bhoir & Ors. ..Respondents.

Mr.I.S.Thakur & Rathore Sunil Kumar for the Petitioners.
Mr.G.S.Godbole with Mr. Sandesh Patil for the Respondents 1 to 3.
Mr. D.A. Patil, AGP for the Respondent Nos. 4 to 8.

CORAM : S. A. BOBDE, J.
DATED : 26TH OCTOBER, 2005.

P.C.:

1. Rule returnable forthwith. Mr. Godbole for the Respondent Nos. 1 to 3 and Mr. D.A.Patil, AGP for the Respondent Nos. 4 to 8 appear and waive service of rule. Heard by consent.

2. The dispute between the parties is regarding mutation entry No.4520 which has been cancelled and its cancellation has been upheld by the appellate authority by the impugned order dated 22nd August, 2003. The main submission on behalf of the petitioners is that the revenue authorities were not entitled to arrive at a finding that the signatures on the document of transfer of property were forged.

Having gone through the order, I find that there is no specific finding that the signatures were forged. The authority has used the word "allegedly forged" and, in fact in paragraph 7, has observed "it is advisable to quash the said entry and to direct the concerned parties to initiate civil proceedings regarding the authenticity of the relevant documents."

3. Admittedly, a civil suit is pending between the parties being regular civil suit No.61/1997 in the court of Civil Judge, Sr. Dvn., Thane.

4. In view of settled position in law that the mutation entries do not confer or divest title and are only presumptive as regards possession, I see no reason to interfere with the impugned order. The parties shall be at liberty to apply for mutations in accordance with the decision of the Civil Court.

5. Rule is disposed of in the above terms.

DT. 26.10.05 (S.A.BOBDE,J)

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